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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 LATONIA SMITH,

11 Case No.: 2:19-cv-00824-GMN-EJY

12 Plaintiff(s),

13 -vs-

14 FENNEMORE CRAIG,

15 Defendant(s). **FENNEMORE CRAIG'S RESPONSE
16 TO PLAINTIFF'S EMERGENCY
MOTION TO VACATE ORDER OF
MAGISTRATE JUDGE AND LIFT
STAY [ECF NO. 71]**

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19 Defendant Fennemore Craig ("Fennemore"), by and through its counsel of record, Snell &
20 Wilmer L.L.P., hereby submits its Response to Plaintiff Latonia Smith's ("Ms. Smith") Emergency
21 Motion to Vacate Order of Magistrate Judge and Lift Stay [ECF Nos. 71]. This Response is based
22 upon the following memorandum of points and authorities, the pleadings and papers on file in this
23 action, and any oral arguments the Court may entertain.
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MEMORANDUM OF POINTS AND AUTHORITIES

On October 7, 2019, Ms. Smith twice filed an “Emergency Motion to Vacate Order of Magistrate Judge and Lift Stay”; once as a Motion to Vacate [ECF No. 70], and once as a Motion to Lift Stay [ECF No. 71]. The substance of the filings appears to be identical. *See id.* On October 11, 2019, the Court entered a Minute Order denying Ms. Smith’s Motion to Vacate [ECF No. 70], finding that “Judge Youchah did not abuse her discretion in granting the Order to Stay Discovery.” ECF No. 73.

Fennemore believes the Court’s Order likewise applies to Ms. Smith’s Motion to Lift Stay, but files the instant Response in an abundance of caution. The Court should deny Ms. Smith’s Motion to Lift Stay for the same reasons set forth in Judge Navarro’s Order denying Ms. Smith’s Motion to Vacate. *See* ECF No. 73. Fennemore incorporates by this reference its underlying Motion to Stay [ECF Nos. 19, 34] and Judge Youchah’s Order Granting the same [ECF No. 67].

Dated: October 21, 2019.

SNELL & WILMER L.L.P.

By: /s/ Michael Paretti

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CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the foregoing **FENNEMORE CRAIG'S RESPONSE TO PLAINTIFF'S EMERGENCY MOTION TO VACATE ORDER OF MAGISTRATE JUDGE AND LIFT STAY** by method indicated below:

- BY FAX:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. pursuant to EDCR Rule 7.26(a). A printed transmission record is attached to the file copy of this document(s).
- BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth below.

Latonia Smith (*in Pro Per*)
9748 Canyon Landing Ave.
Las Vegas, NV 89166
Tel: (725) 203-2455 or (702) 521-3522
- BY OVERNIGHT MAIL:** by causing document(s) to be picked up by an overnight delivery service company for delivery to the addressee(s) on the next business day.
- BY PERSONAL DELIVERY:** by causing personal delivery by, a messenger service with which this firm maintains an account, of the document(s) listed above to the person(s) at the address(es) set forth below.
- BY ELECTRONIC SUBMISSION:** submitted to the above-entitled Court for electronic filing and service upon the Court's Service List for the above-referenced case.
- BY EMAIL:** by emailing a PDF of the document listed above to the email addresses of the individual(s) listed below.

DATED this 21st day of October, 2019.

Dear

An employee of SNELL & WILMER L.L.P.